



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 29 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 9015 1730 0000 9218 8053

Weldin Ortiz Franco, Chairman
Puerto Rico Environmental Quality Board
P. O. Box 11488
San Juan, Puerto Rico 00910

Re: Total Petroleum Corporation,
Notice of Violation and Authority to Issue Administrative Order or Commence Civil
Action under Section 1423 (a) (1) of the Safe Drinking Water Act

Dear Mr. Ortiz Franco:

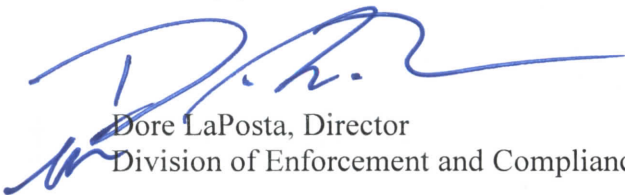
The U.S. Environmental Protection Agency (EPA) finds that Total Petroleum Puerto Rico Corporation, is in violation of the Safe Drinking Water Act (SDWA), 42 U.S.C. §300f et seq., and the Underground Injection Control (UIC) regulations promulgated thereunder.

Enclosed please find a copy of the Notice of Violation (NOV) being issued to Total Petroleum Puerto Rico Corporation. The NOV specifies the violations of Puerto Rico's UIC regulations, as incorporated by reference into 40 Code of Federal Regulations Part 147, and indicates the locations of the facilities that we find to be in violation.

Such violations are subject to enforcement action under the Puerto Rico UIC regulations. The Puerto Rico Environmental Quality Board needs to commence appropriate enforcement action within thirty (30) days after the day of notification. At the end of the thirty days, EPA is authorized to either issue to Total Petroleum Puerto Rico Corporation an administrative order under §1423(c), 42 U.S.C. §300h-2(c), or initiate a civil action under §1423(b), 42 U.S.C. §300h-2(b).

If you have any questions relating to this matter, please contact Nicole Foley Kraft, Chief, Groundwater Compliance Section, at (212) 637-3093. Please inform this Agency of all action taken on this matter.

Sincerely yours,



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosure

cc:

Wanda García Hernández, Director, Water Quality Area, EQB (w/encl.)

Héctor Arroyo Rivera, Chief, UIC Program, EQB (w/encl.)



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SEP 29 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7015 3010 0000 7504 1006

Mr. Phillipe Jaurey
General Manager
Total Petroleum Puerto Rico Corporation
P. O. Box 362916
San Juan, Puerto Rico 00936-2916

Re: Notice of Violation and Authority to Issue Administrative Order or Commence Civil Action,
Safe Drinking Water Act, Section 1423(a)(1)

Dear Mr. Jaurey:

The U.S. Environmental Protection Agency (EPA) finds that Total Petroleum Puerto Rico Corporation (TPPRC), a subsidiary of the Total Group (S.A.) is in violation of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f *et seq.*, and the Underground Injection Control (UIC) regulations promulgated under §1421 and §1422 of the SDWA. Furthermore, TPPRC is in violation of Law # 416 of September 22, 2004, Puerto Rico Environmental Public Policy Act (Ley Núm. 416 del 22 de septiembre de 2004, Ley sobre Política Pública Ambiental), and of the Underground Injection Control Program Regulations (UICPR) of the Puerto Rico Environmental Quality Board (PREQB) (Junta de Calidad Ambiental de Puerto Rico) promulgated thereunder, Sections 201, 202, 301, 302 and 303.

Specifically:

1. On April 10, 2015, EPA issued an Information Request Letter (IRL) to TPPRC to determine whether any facility in Puerto Rico owned and/or operated by TPPRC was operating a motor vehicle waste disposal well. When automotive waste is discharged into a septic tank, cesspool, leachfield or drywell, the injection well is classified as a Class IV or V well as defined by Sections 201, 202, 301, 302 and 303 of the UICPR and defined as a Class V well by 40 C.F.R. §144.3, 144.6 (e), 146.3 and 146.5(e).
2. On August 14, 2015, TPPRC submitted the requested information to EPA.
3. TPPRC, a subsidiary of Total Group, is a corporation organized under the laws of Puerto Rico and is authorized to do business in the Commonwealth of Puerto Rico, and as such is a "person" within the meaning of Law # 416 of September 22, 2004, Puerto Rico Environmental Public Policy Act and of the UICPR of the PREQB (Junta de Calidad Ambiental de Puerto Rico).

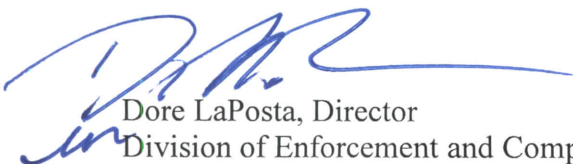
4. TPPRC owns, operates, or otherwise controls facilities in the Commonwealth of Puerto Rico that have motor vehicle waste disposal wells. These facilities include automotive service stations including car washing and vehicular repair work.
5. TPPRC, as the owner or operator of Class V injection wells is subject to the requirements of Law # 416 of September 22, 2004, known as the Puerto Rico Environmental Public Policy Act and implementing regulations at sections 201, 202, 301, 302 and 303 of the UICPR.
6. Pursuant to sections 201, 202, 301, 302 and 303 of the UICPR of the EQB, no owner or operator shall conduct injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 C.F.R. Part 142 and the Water Quality Standards Regulations of Puerto Rico or may otherwise adversely affect the health of persons. Automotive service station wastewater typically has constituents, such as heavy metals and volatile organic compounds, which pose risks to human health. The presence of these contaminants may cause a violation of primary drinking water regulations under 40 C.F.R. Part 142 and may otherwise adversely affect the health of persons, in violation of sections 302 and 303 of the UICPR of the PREQB.
7. The enclosed list of nineteen (19) facilities are subject to the requirements of the Underground Injection Control (UIC) program. EPA records indicate that TPPRC has not complied with the EQB's UICPR as described under § 301, 302 and 201. You are therefore, in violation of these sections and prohibited from discharging into your injection wells.
8. Such violations are subject to enforcement action under Law # 416 of September 22, 2004, the Puerto Rico Environmental Public Policy Act and sections 201, 202, 301, 302 and 303 of the UICPR of the EQB. These sections provide for the initiation of civil and/or criminal actions in court or the issuance of administrative orders requiring compliance with all provisions of the SDWA and regulations promulgated thereunder and assessing penalties for violations.

EPA has sent copy of this notice of violation to the Commonwealth of Puerto Rico. Pursuant to §1423(a)(1), 42 U.S.C. §300h-2(a)(1), if the Commonwealth of Puerto Rico fails to commence appropriate enforcement action 30 days after the date of notification, EPA is authorized to either issue an administrative order under §1423(c), 42 U.S.C. §300h-2(c), or initiate a civil action under §1423(b), 42 U.S.C. §300h-2(b).

If you have any questions relating to this matter, please contact Nicole Foley Kraft, Chief, Groundwater Compliance Section, at (212) 637-3093.

We urge your prompt attention to this matter.

Sincerely yours,



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosure

cc:

Weldin Ortíz Franco, Chairman, EQB

Wanda García Hernández, Director, Water Quality Area, EQB (w/encl.)

Héctor Arroyo Rivera, Chief, UIC Program, EQB (w/encl.)

Enclosure

TOTAL PETROLEUM PUERTO RICO CORPORATION

The following facilities are all in Puerto Rico. With one exception (duly noted on the list), they are all Company Owned/Dealer Operated (CODO) with an existing motor vehicle waste disposal well:

Carr. 189 Km. 2.6
Caguas

Carr. #2 Km. 26.1
Bo. Espinosa
Dorado (**CLDO**)

Carr. 1, Km 50.1
Barrio Beatriz
Cidra

Carr. 2 Km. 156.3
Hormigueros

Carr. 140 Km. 65.5
Cruce Dávila
Barceloneta

Carr. 150, KM 18.7
Coamo

Carr. #3 Km. 141.4
Guayama

Cruce 4 Calles, Carr. 116
Yauco

Carr. 172 Caguas A Cidra
Km.7.6, Bo. Centejas
Cidra

Centro Comercial Lago Alto
Trujillo Alto

Carr. 861 Km. 3.9
Bo. Bucarabones
Toa Alta

Carr. 156 Caguas
Salida a Aguas Buenas
Caguas

Carr #121 Km. 216.6
Sabana Grande

Carr. 2 Km. 7.2 M-138
Bo. Juan Domingo
Guaynabo

Carr. 14 Km. 6.2
Ponce

Carr. 187 Km. 17 Hm. 9
Bo. Las Cuevas
Loiza

Carr. 2 Km. 157.4
Bo. Sábalos
Mayaguez

Carr. 902, Km. 1.6
Bo. Limones
Yabucoa

Carr. # 173 Km. 3.0
Bo Jagueyes
Aguas Buenas